

**Ravalli County Planning Board
Meeting Minutes for May 2, 2007
7:00 p.m.
Commissioners Meeting Room, 215 S. 4th Street, Hamilton, Montana**

Public Meeting
Review of Planning Department Budget Proposal

This is a summary of the meeting, not a verbatim transcript. A CD of the meeting may be purchased from the Planning Department for \$5.00.

1. Call to order

Chip called the meeting to order at 7:04 p.m.

2. Roll Call (See Attachment A, Roll Call Sheet)

(A) Members

MaryLee Bailey (present)
Dale Brown (absent – unexcused)
Phil Connelly (present)
Ben Hillicoss (present)
Dan Huls (absent – excused)
JR Iman (present)
Lee Kierig (present)
Maura Murray (present)
Chip Pigman (present)
Les Rutledge (present)

Park Board Representative: Bob Cron (absent - excused)

(B) Staff

Jennifer De Groot
Karen Hughes
Shaun Morrell
Laura Robinson

3. Approval of Minutes

Chip asked if there were any corrections or additions to the minutes from April 18, 2007. There were none. The minutes were approved.

4. Amendments to the Agenda

There were none.

5. Correspondence

There was none.

6. Review of Planning Department Budget Proposal

(A) Planning Department Draft Budget Overview Fiscal Year 2008

(i) Presentation

Karen gave a PowerPoint Presentation (See Attachment B – Planning Department Draft Budget Overview Fiscal Year 2008) outlining the draft proposal for the Planning Department Budget. She noted the budget hearing was for Monday, May 7th at 9:00 AM.

Les asked if the Park Board was proposing to go out and buy land for parks.

Karen said that they were primarily interested in a regional park facility such as a sports complex for the Hamilton area. They defined the need and have had some assessments done, but nothing has come of that so far. She noted this was the first time the Park Board requested a budget. She said they were asking for an allocation within the current system.

Phil inquired as to what percentage of the actual costs of subdivision review are being captured by the fees.

Karen stated that the goal is 100 percent recovery and the Planning Department is working towards that. She said the Planning Department would provide a copy of the fee increase proposal to the Planning Board.

Lee brought up the idea of using a building permit program for revenue. This was discussed among the Planning Board and Staff.

Chip said State laws would not allow that type of program to be revenue-generating.

Ben agreed with the idea of having a building codes department that would help individuals who were working on an addition. He thought this was a service that is needed and people would be willing to pay a fee for contract advice.

Lee commented on his concerns about staff requirements on a project like this.

Ben brought up the process of developing trails and the struggles at the north end of the County.

Karen stated that this is one of the things that the Park Board wants to take on. She also said that the Park Board had paid out for a trails plan but they are concerned about how to move forward at this time.

Chip said that if subdivision review is revenue-neutral, then the Planning Department will still have a budget shortfall before it requests enhancements. He stated that the wish list would not be likely since the Planning Department is competing with the Sheriff's Office and 911.

Karen said the Planning Department is under the assumption that the County cannot handle the enhancements. It has had interest by the Brainerd Foundation and others, which prompted the department to create a wish list of sorts.

Chip said this is something everyone needs to think about. He suggested that reduced submittals would lead to reduced revenue and department workloads. He stated that if the BCC does not accept the proposal, the Planning Department could end up with a reduction in staff.

Karen informed the Planning Board that there is a current workload of approximately 22 subdivisions. She also said there is the potential that some or all of the projects in litigation could end up back on the plate.

Les asked about the numbers anticipated from the Open Lands Board and the participation by the Planning Department.

Karen said that the bond does not fund any of the Planning Department's participation in the program. The only way to capture funds would be to charge an administrative fee. She said this would be decided by the Board of County Commissioners and the Open Lands Board. Under the current proposal, staff would offer assistance about 25 percent of the time. The Planning Department would like for that to be at 50 percent.

Les said that this seemed like it would dovetail into subdivision reviews, which would be a justifiable administrative expense.

Karen said that she had spoken with legal counsel about charging for time put towards the legislature's mandate and staff's personal interest in changing the subdivision regulations and passing those costs on to developers. She said that part of the review fees were a little easier to do. One attorney thought we could charge all of our costs to developers, but that is not the going advice.

MaryLee stated that in December when the Planning Board set their priorities and looked at their timetable, they had the commitment of the Board of County Commissioners to move forward with the special plans. She stated that she was concerned that the Planning Board/Planning Department might have to back down and reassign these tasks. She asked from where the money would come.

Karen said that she would go back to the drawing board if she had to.

(ii) Public Comment

Rick Fuhrman supported the proposed budget as well as the enhancements. He said that the Board of County Commissioners and the Planning Board have set the tasks and the priorities and the Planning Department has responded with a realistic budget. He compared the budget to a roadworthy Chevrolet. He encouraged Karen to present it as such and not as a Cadillac.

Chip stated that he was not optimistic about the proposed budget. He also said he could see the Board of County Commissioners asking the public what they want to fund.

Les said he does not know all the details but has heard the rumor that Ravalli County will be receiving \$500,000 from the Federal Government. He stated he would like to commend the Planning Department on a realistic budget and motioned to support the Planning Department budget.

MaryLee seconded the motion.

Chip asked Karen for direction on the best way for the Planning Board to support the budget.

Karen invited the Board to attend the Planning Department Budget Hearing. The Planning Board discussed the fact that they wanted to show public support of the budget and pass it on to the Commissioners.

Ben stated that Karen should consider presenting the shortfall for salaries in this County a little stronger or the Planning Department will lose staff. He suggested she have a plan to get the staff salaries up to par in the next two to three years. He stated even if this is denied, her actions would give Staff some encouragement.

Karen said that research is currently being done and she hopes to have the numbers in time for the budget hearing.

Ben suggested she estimate if she does not have the actual data back in time. The Planning Board discussed staff salaries and stated their concerns for staff retention.

JR said that he would rather see an increase in the salaries than on the enhancements, which he looked at as kind of a wish list. He stated that he felt the Planning Board's commitment should be to go forward solidly with what has been presented.

Chip asked the Planning Board if they were in support of the base budget or if it included the enhancements and salary increases.

Les said the motion he made was for the budget submitted, including enhancements.

Chip asked if the Planning Board would include some supplemental staff salary increases. This was discussed in further detail. He said he does support the base budget with salary increases. He said, if the Commissioners do not fund the budget proposal he is willing to say the Planning Board will not accomplish its goals.

JR asked if the \$156,000 increase was with or without salary adjustments.

Karen stated that it included one promotion.

The Planning Board discussed the importance of a salary adjustment.

Karen said that she would amend the summary of expenses at the salary line to include across-the-board wage increases for Staff to move toward the average urban county wage for comparable positions.

Chip verified the motion on the floor was to support the base budget with a wage increase adjustment for Planning Department staff. Planning Board members were in agreement.

The vote was called; the members voted (8-0) to support the Planning Department base budget with proposed wage increases for staff.

The Planning Board discussed the enhancements noted on Karen's presentation.

Ben motioned to support the enhancements and stated that he had been working with Karen and the Planning Department to come up with various funding opportunities. He recommended that the Planning Board support creative ways to fund the enhancements, such as through grants and stated that this is key to making the schedules.

Phil seconded the motion

The vote was called; the members voted (8-0) to support the Planning Department enhancements with proposed creative funding.

The board took a five minute break.

7. Communications from Staff

(A) Appointment of Planning Board member to Streamside Setback Committee

Chip appointed JR to the Streamside Setback Committee.

JR accepted. He stated that there were a number of things he could bring to the Committee and working with the Conservation District has prepared him for a duty such as this. He said that he owns property and has a strong agriculture background. He stated this was not something that he would accept and then leave people in the lurch, and his commitment would not be temporary.

Phil stated that he thought Chip had misread the duties of the Planning Board President in the bylaws and stated that the Streamside Setback Committee was not a committee of the Planning Board. The duties of the President and bylaws were discussed among the board members.

Lee said that he would like for the members of the Planning Board to make a nomination.

Chip stated he was not willing to entertain that idea.

MaryLee asked Karen her interpretation of the President's duties with regards to appointing members to committees as listed in the bylaws.

Karen said she interpreted the bylaws as Phil did.

Ben volunteered to be the representative. He stated he has a lot of experience and that he owns property with a stream running across it. He said that he has spent a lot of time volunteering for various things on the Planning Board and with the workload for the Land Use Subcommittee about to seriously decline coupled with the fact that he is retired he has plenty of time to devote to this assignment. Ben said that his past efforts on behalf of the Planning Board speak for themselves. He said that the Streamside Setback issue has been beset with a lot of controversy relative to development interests and since JR is a realtor, this might result in a potential problem.

Les commented he was concerned about JR and Tom rotating back and forth on the Planning Board.

Chip responded that JR would be on the Planning Board for the duration of the Streamside Setback Committee and that he and Tom were not going to be switching.

MaryLee stated her support for a right to vote on the representative.

The Planning Board discussed voting vs. appointment by the Board President for a representative to the Streamside Setback Committee.

Chip stated that he was standing behind his recommendation.

(B) Discussion about Draft Revisions to the Subdivision Regulations

Karen confirmed that the Planning Board members had received copies of the draft revisions to the Subdivision Regulations (See Attachment C – Proposed Subdivision Regulation Revisions). She stated that Planning Staff has been working on cleaning up revisions made in November 2006. She said that one of the changes is to require pro rata on County-maintained roads, which will include a list of County maintained-roads. She listed other minor changes proposed.

Chip asked if this discussion item would be on the agenda with the Land Use Law Clinic presentation.

Karen confirmed that was what she was proposing.

Chip asked if this was the first draft out.

Karen stated that it was. She said the engineers at WGM Group and PCI, the County's road consultants, reviewed this on behalf of the County and also on behalf of the public to see if they could see any issues on either side. They thought it worked, but suggested a couple of other minor changes regarding the 25 MPH road signs. This is the first time the consulting group has seen it. She said the proposed amendments will be widely distributed and put on our website.

Ben stated that he was confused by the road inventory chart at the end.

Karen stated that the Planning Department did not format this chart but that the inventory was from the Road Department. She said that in adopting this, any amendments to the list would require a change to the Subdivision Regulations. She said the recommendation from legal counsel was to adopt this list at the same time as the

revisions to the Subdivision Regulations. She told the Planning Board they could email Tristan Riddell in the Planning Department if they had any further questions.

8. **Communications from Public**

There were none.

9. **Communications from Board**

(A) Discussion of Long Range Planning Vision Exercises (Ben Hillicoss)

Ben stated that he had sent the Planning Board an email about Long Range Planning Vision Exercises and proposed that the Planning Board could do something in half-a-day and have it feed into the process, but the feedback he received told him it could not happen. He stated that he did not want to do something that would jeopardize Phase I of the zoning project and was open to more discussion.

Karen described the purpose of the Land Capability and Suitability Analysis, which is to determine where land is suitable for development and stated that it is not to put the zoning onto the land. She stated that the Land Capability and Suitability Analysis is independent and that the timelines are not hard-and-fast. She said there is enough flexibility in the timeline to accommodate it.

Ben said that he is proposing that visioning exercises be done as part of the Land Capability and Suitability Analysis study. He asked if the Planning Board needs to do this for Phase I.

Chip confirmed that Karen said no, it did not need to be done for Phase I.

Lee asked if it was part of the Community Planning Committees' responsibilities to designate certain areas of land for particular uses. He used the example of the Fairgrounds, which he stated was zoned institutional. He inquired how much land might be dedicated as institutional in the future. He said that in other jurisdictions, there is the ability to apply for rezoning and asked if it would be appropriate to identify that at some point.

Chip said that is what he got out of Ben's email: plan far enough ahead to try to avoid these conflicts.

Karen stated the Planning Board should let this happen at the community level and infuse the recommendations at the County level. She said, however, if things seem to be uneven and you have a community college campus in every community or if there are no industrial lands zoned that would be a problem. Karen then said that a more pro-active approach would be to run a mini planning process involving the community while the Community Planning Committees are running theirs. She also said a third option would be to do it as a Phase II project and coordinate it with a capital improvement project.

Ben asked if the Planning Board was ready to pick a way to do this or if they wanted to do it later.

Chip said that he thought the Planning Board should go with Karen's approach.

Lee suggested waiting for the suitability study and then integrate it into the CPCs.

Chip verified what Lee had just said and asked the board if they agreed with Lee's suggestion.

The Planning Board members agreed.

10. **New Business**

(A) Appointment of New Subdivision Screening Committee Member

MaryLee volunteered to serve on the Subdivision Screening Committee.

Shaun said that Bob would become the alternate and that the next person up moves into the chair position.

(B) Bitterroot Rail Forum

Shaun said the Bitterroot Rail Forum meets in Missoula to discuss the potential of a light rail line from the Airport into downtown or downtown to Lolo with a future extension through the Bitterroot Valley. He said that the next couple of meetings are May 9th and June 13th. They meet once-a-month for approximately one hour at the Missoula Redevelopment Agency (MRA). Right now, they are having Federal planning grant discussions through the Federal Transit Administration. The Planning Department has stopped attending for the time being because it was not a priority, but would like to stay in contact. He stated that one recommendation would be to appoint a Planning Board member to attend the meetings. He said that he has heard that the meetings have picked up speed lately.

Lee asked who the Montana Rail Link partner is and stated he would be in favor of getting a train to run between Hamilton and Missoula.

Maura volunteered to go to the meetings when she is in the area.

Ben volunteered to go once in awhile also.

Karen stated she would hook them into the email list and let them know about future meetings.

(C) Discussion of Helena Building Industry Association vs. Lewis and Clark County

Shaun informed the Planning Board there was a lawsuit against Lewis and Clark County that was brought to the attention of the Planning Department by Chip. He said that some of the practices in question look like what is done here in regards to subdivision reviews and in particular, the water storage, water supply, and \$500 contribution to the Fire District. He said, the question is if our standard mitigating practices are legal. The Lewis and Clark County code also required fire sprinklers in certain residential units. The judge struck down the entire code because he could not differentiate which specific provisions were legal or illegal. Shaun stated that it was his opinion that this would not affect current practices, but that the Planning Department might want to be careful regarding mitigating conditions resembling building codes.

Chip said that he had brought this lawsuit to the attention of the Planning Department because he thought it looked on the surface like the Planning Department was including building codes in subdivision reviews. He stated that he was concerned about the similarities.

11. **Old Business**

(A) Discussion and Recommendation about the Planning Board Bylaws

Karen stated that the recommendation to adopt the bylaws has been on the table for awhile, however, the Planning Board has not recommended them for adoption by the Commissioners.

Les suggested it be placed high on the agenda at the next meeting.

Chip stated it should be added to the following meeting's agenda.

Karen agreed and said that Staff would resend the bylaws to the Planning Board members.

12. **Next Regularly Scheduled Meeting: May 16, 2007 at 3:00 p.m.**

(A) Land Use Law Clinic Presentation

(B) Subdivision Regulation Revisions

(C) Update on Open Lands Board (Phil Connelly)

13. **Adjournment**

Chip adjourned the meeting at 9:35 p.m.